

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA) CR. NO. 09-272
)
)
 v.)
) (Judge Kosik)
)
 MARK A. CIAVARELLA, JR.,)
)
 Defendant.)

VERDICT FORM

WE, THE JURY, MAKE THE FOLLOWING FINDINGS IN THE ABOVE-CAPTIONED MATTER:

Count One - 18 U.S.C. § 1962(c)
(Racketeering)

1. On the charge of conducting and participating in the conduct of the affairs of an enterprise through a pattern of racketeering activity, in violation of 18 U.S.C. § 1962(c), we find the defendant Mark A. Ciavarella, Jr.:

X Guilty _____ Not Guilty

(If the jury finds the defendant "Guilty" of Count One, then the jury must answer Questions 1a through 1m. If the jury finds the defendant "Not Guilty" of Count One, then the jury should skip questions 1a through 1m and should proceed to enter its findings as to the remaining counts of the Indictment.)

1a. Racketeering Act One - Honest Services Wire Fraud in violation of Title 18, United States Code, Section 1346.

1(a)(i). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed wire fraud in connection with a wire transfer

of \$610,000 to an attorney escrow bank account on January 21, 2003?

 X Yes No

1(a)(ii). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed wire fraud in connection with a wire transfer of \$387,600 to an attorney bank account on January 24, 2003?

 X Yes No

1(a)(iii). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed wire fraud in connection with a wire transfer of \$610,000 to a bank account of Beverage Marketing of Pennsylvania, Inc. on January 28, 2003?

 X Yes No

1b. Racketeering Act Two - Honest Services Wire Fraud, in violation of 18 U.S.C. § 1346.

1(b). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed wire fraud in connection with a wire transfer of \$1,000,000 to a bank account of Pinnacle Group of Jupiter, LLC on July 15, 2005?

 Yes X No

1c. Racketeering Act Three - Honest Services Wire Fraud, in violation of 18 U.S.C. § 1346.

1(c). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr.

committed wire fraud in connection with a wire transfer of \$150,000.00 to a bank account of Pinnacle Group of Jupiter, LLC on February 3, 2006?

_____ Yes X No

1d. Racketeering Act Four - \$70,000 Paid On January 20, 2004.

1(d)(i). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed extortion under color of official right, in violation of 18 U.S.C. § 1951, in connection with the payment of two checks totaling \$70,000 on January 20, 2004?

_____ Yes X No

1(d)(ii). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed bribery chargeable under state law, in violation of 18 Pa.C.S. § 4701(a)(3), in connection with the payment of two checks totaling \$70,000 on January 20, 2004?

_____ Yes X No

1e. Racketeering Act Five - \$200,000 Paid Between February 15, 2004 and February 24, 2004.

1(e)(i). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed extortion under color of official right, in violation of 18 U.S.C. § 1951, in connection with the payment of three checks totaling \$200,000 between February 15, 2004 and February 24, 2004?

_____ Yes X No

1(e)(ii). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed bribery chargeable under state law, in violation of 18 Pa.C.S. § 4701(a)(3), in connection with the payment of three checks totaling \$200,000

between February 15, 2004 and February 24, 2004?

_____ Yes X No

1f. Racketeering Act Six - \$100,000 Paid on April 30, 2004.

1(f)(i). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed extortion under color of official right, in violation of 18 U.S.C. § 1951, in connection with the payment of two checks totaling \$100,000 on April 30, 2004?

_____ Yes X No

1(f)(ii). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed bribery chargeable under state law, in violation of 18 Pa.C.S. § 4701(a)(3), in connection with the payment of two checks totaling \$100,000 on April 30, 2004?

_____ Yes X No

1g. Racketeering Act Seven - \$120,000 Wire Transfer on July 12, 2004.

1(g)(i). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed extortion under color of official right, in violation of 18 U.S.C. § 1951, in connection with a wire transfer of \$120,000 on July 12, 2004?

_____ Yes X No

1(g)(ii). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed bribery chargeable under state law, in violation of 18 Pa.C.S. § 4701(a)(3), in connection with a wire transfer of \$120,000 on July 12, 2004?

_____ Yes X No

1h. Racketeering Act Eight - \$100,000 Wire Transfer on September 23, 2004.

1(h)(i). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed extortion under color of official right, in violation of 18 U.S.C. § 1951, in connection with a wire transfer of \$100,000 on September 23, 2004?

_____ Yes

 X No

1(h)(ii). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed bribery chargeable under state law, in violation of 18 Pa.C.S. § 4701(a)(3), in connection with a wire transfer of \$100,000 on September 23, 2004?

_____ Yes

 X No

1i. Racketeering Act Nine - \$42,000 Paid on August 16, 2006.

1(i)(i). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed extortion under color of official right, in violation of 18 U.S.C. § 1951, in connection with a payment of \$42,000 on August 16, 2006?

_____ Yes

 X No

1(i)(ii). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed bribery chargeable under state law, in violation of 18 Pa.C.S. § 4701(a)(3), in connection with a payment of \$42,000 on August 16, 2006?

_____ Yes

 X No

1j. Racketeering Act Ten - \$20,000 Paid on November 1, 2006.

1(j)(i). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed extortion under color of official right, in violation of 18 U.S.C. § 1951, in connection with a payment of \$20,000 on November 1, 2006?

_____ Yes X No

1(j)(ii). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed bribery chargeable under state law, in violation of 18 Pa.C.S. § 4701(a)(3), in connection with a payment of \$20,000 on November 1, 2006?

_____ Yes X No

1k. Racketeering Act Eleven - \$50,000 Paid on November 20, 2006.

1(k)(i). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed extortion under color of official right, in violation of 18 U.S.C. § 1951, in connection with a payment of \$50,000 on November 20, 2006?

_____ Yes X No

1(k)(ii). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed bribery chargeable under state law, in violation of 18 Pa.C.S. § 4701(a)(3), in connection with a payment of \$50,000 on November 20, 2006?

_____ Yes X No

1l. Racketeering Act Twelve - \$31,500 Paid on December 18, 2006.

1(l)(i). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed extortion under color of official right, in violation of 18 U.S.C. § 1951, in connection with a payment of \$31,500 on December 18, 2006?

_____ Yes X No

1(l)(ii). Do you unanimously agree, by proof beyond a reasonable doubt, that Mark A. Ciavarella, Jr. committed bribery chargeable under state law, in

violation of 18 Pa.C.S. § 4701(a)(3), in connection
with a payment of \$31,500 on December 18, 2006?

_____ Yes

 X No

1m. Racketeering Act Thirteen - Money Laundering

Conspiracy, in violation of 18 U.S.C. § 1956(h).

1(m). Do you unanimously agree, by proof beyond a
reasonable doubt, that Mark A. Ciavarella, Jr.
committed money laundering conspiracy in violation of
18 U.S.C. § 1956(h)?

 X Yes

_____ No

Count Two - 18 U.S.C. § 1962(d)
(Racketeering Conspiracy)

2. On the charge of conspiracy to conduct and participate
in the conduct of the affairs of an enterprise through a pattern
of racketeering activity, in violation of 18 U.S.C. § 1962(d), we
find the defendant Mark A. Ciavarella, Jr.:

 X Guilty

_____ Not Guilty

Counts Three through Six - 18 U.S.C. §§ 1343 and 1346
(Honest Services Wire Fraud)

On the charges of Honest Services Wire Fraud, in violation
of 18 U.S.C. §§ 1343 and 1346, we make the following findings as
to the defendant Mark A. Ciavarella, Jr.:

3. Count 3 - \$120,000 Wire Transfer on July 12, 2004:

_____ Guilty X Not Guilty

4. Count 4 - \$100,000 Wire Transfer on September 23, 2004:

_____ Guilty X Not Guilty

5. Count 5 - \$1,000,000 Wire Transfer on July 15, 2005:

_____ Guilty X Not Guilty

6. Count 6 - \$150,000 Wire Transfer on February 3, 2006:

_____ Guilty X Not Guilty

**Counts Seven through Ten - 18 U.S.C. §§ 1341 and 1346
(Honest Services Mail Fraud)**

On the charges of Honest Services Mail Fraud, in violation of 18 U.S.C. §§ 1343 and 1346, we make the following findings as to the defendant Mark A. Ciavarella, Jr.:

7. Count 7 - Mailing of Statement of Financial Interests in April, 2004:

X Guilty _____ Not Guilty

8. Count 8 - Mailing of Statement of Financial Interests in March, 2005:

X Guilty _____ Not Guilty

9. Count 9 - Mailing of Statement of Financial Interests in April, 2006:

X Guilty _____ Not Guilty

10. Count 10 - Mailing of Statement of Financial Interests in March, 2007:

X Guilty _____ Not Guilty

**Counts Eleven through Twenty - 18 U.S.C. § 666(a)(1)(B)
(Bribery Concerning Programs Receiving Federal Funds)**

On the charges of Bribery Concerning Programs Receiving

Federal Funds, we make the following findings as to the defendant Mark A. Ciavarella, Jr.:

11. Count 11 - Checks totaling \$200,000 paid between February 15 and February 24, 2004:

_____ Guilty X Not Guilty

12. Count 12 - Checks totaling \$100,000 paid on April 30, 2004:

_____ Guilty X Not Guilty

13. Count 13 - \$120,000 Wire Transfer on July 12, 2004:

_____ Guilty X Not Guilty

14. Count 14 - \$100,000 Wire Transfer on September 23, 2004:

_____ Guilty X Not Guilty

15. Count 15 - \$1,000,000 Wire Transfer on July 15, 2005:

_____ Guilty X Not Guilty

16. Count 16 - \$150,000 Wire Transfer on February 3, 2006:

_____ Guilty X Not Guilty

17. Count 17 - \$42,000 payment on August 16, 2006:

_____ Guilty X Not Guilty

18. Count 18 - \$20,000 payment on November 1, 2006:

_____ Guilty X Not Guilty

19. Count 19 - \$50,000 payment on November 20, 2006:

_____ Guilty X Not Guilty

20. Count 20 - \$31,500 payment on December 18, 2006:

_____ Guilty X Not Guilty

**Count Twenty-One - 18 U.S.C. § 1956(h)
(Money Laundering Conspiracy)**

21. On the charge of money laundering conspiracy, in violation of 18 U.S.C. § 1956(h), we find the defendant Mark A. Ciavarella, Jr.:

 X Guilty _____ Not Guilty

**Counts Twenty-two through Twenty-six
18 U.S.C. § 1956(a)(1)(B)(1)
(Money Laundering)**

On the charges of Money Laundering, in violation of 18 U.S.C. § 1956(a)(1)(B)(1), we make the following findings as to the defendant Mark A. Ciavarella, Jr.:

22. **Count 22** - Checks totaling \$70,000 deposited on January 20, 2004:

_____ Guilty X Not Guilty

23. **Count 23** - Checks totaling \$200,000 deposited on February 24, 2004:

_____ Guilty X Not Guilty

24. **Count 24** - Checks totaling \$100,000 deposited on May 3, 2004:

_____ Guilty X Not Guilty

25. **Count 25** - \$120,000 Wire Transfer on July 12, 2004:

_____ Guilty X Not Guilty

26. **Count 26** - \$100,000 Wire Transfer on September 23,

2004:

_____ Guilty X Not Guilty

Counts Twenty-seven through Thirty-four
18 U.S.C. § 1951
(Extortion Under Color of Official Right)

On the charges of Extortion Under Color of Official Right, in violation of 18 U.S.C. § 1951, we make the following findings as to the defendant Mark A. Ciavarella, Jr.:

27. **Count 27** - Three checks totaling \$200,000 paid between February 15 and February 24, 2004:

_____ Guilty X Not Guilty

28. **Count 28** - Two checks totaling \$100,000 paid on April 30, 2004:

_____ Guilty X Not Guilty

29. **Count 29** - \$120,000 Wire Transfer on July 12, 2004:

_____ Guilty X Not Guilty

30. **Count 30** - \$100,000 Wire Transfer on September 23,

2004:

_____ Guilty X Not Guilty

31. **Count 31** - \$42,000 payment on August 16, 2006:

_____ Guilty X Not Guilty

32. **Count 32** - \$20,000 payment on November 1, 2006:

_____ Guilty X Not Guilty

33. **Count 33** - \$50,000 payment on November 20, 2006:

_____ Guilty X Not Guilty

34. Count 34 - \$31,500 payment on December 18, 2006:

 Guilty X Not Guilty

Count Thirty-five

18 U.S.C. § 371

(Conspiracy to Defraud the United States)

35. On the charge of Conspiracy to Defraud the United States, in violation of 18 U.S.C. § 371, we find the defendant Mark A. Ciavarella, Jr.:

 X Guilty Not Guilty

Counts Thirty-six through Thirty-nine

26 U.S.C. § 7206(1)

(Subscribing and Filing a Materially False Tax Return)

On the charges of Subscribing and Filing a Materially False Tax Return, in violation of 26 U.S.C. § 7206(1), we make the following findings as to the defendant Mark A. Ciavarella, Jr.:

36. Count 36 - IRS Form 1040 filed on or about April 15, 2004:

 X Guilty Not Guilty

37. Count 37 - IRS Form 1040 filed on or about April 15, 2005:

 X Guilty Not Guilty

38. Count 38 - IRS Form 1040 filed on or about April 15, 2006:

 X Guilty Not Guilty

39. Count 39 - IRS Form 1040 filed on or about April 15,
2007:

 X Guilty Not Guilty

Dated: 02/18/2011


JURY FOREPERSON